

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In Re: TIMOTHY H. GENS

CASE NO.17-27144-beh
CHAPTER 13

Debtor(s).

OBJECTION OF COLONIAL SAVINGS, F.A.
TO CHAPTER 13 PLAN

NOW COMES, COLONIAL SAVINGS, F.A. (hereinafter "Creditor"), by its attorneys, Kohner, Mann & Kailas, S.C., and objects to confirmation of the Chapter 13 Plan of Timothy H. Gens (hereinafter "Debtor(s)") filed on 08/14/2017 (the "Plan"). In support hereof, Creditor states:

1. The Debtor(s) filed for relief under Chapter 13 of the U.S. Bankruptcy Code (11 U.S.C. §101 et seq.) on 07/20/2017 (the "Petition Date"). Scott Lieske is the Chapter 13 Trustee.

2. Creditor is secured by a second mortgage against real estate and improvements, as described in the loan and security documents attached herein, commonly known as N2403 Cisco Road, Lake Geneva, WI 53147 (hereinafter the "Collateral"). The Collateral is the Debtor's principal residence.

3. Creditor is in the process of drafting its Proof of Claim, however, as of the Petition Date, Creditor currently estimates an arrearage of \$93,846.20.

4. Debtor's plan provides for curing no arrearages, with no additional months to extend the Plan or funds designated for unsecured creditors that would allow for a feasible plan.

5. The Plan does not comply with the requirements of Sections §1322 and §1325 of the Bankruptcy Code (in particular §1322(b)(2) and (5) and §1325(a)(5)). Creditor does not accept the Plan. The Plan does not provide for how Creditor's secured claim will be paid in full through the Plan, and should not be confirmed by the Court.

Drafted by:
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6. Creditor reserves its right to assert other basis for objections to the Plan, and other relief arising from post-Petition Date defaults of Debtor(s).

7. Our firm is a debt collector. This objection is an attempt to collect a debt, and any information obtained will be used for that purpose.

WHEREFORE,

1. Creditor requests that the Court deny confirmation of the Plan.
2. Creditor requests that a hearing upon this Objection be scheduled.
3. Creditor requests any and all other relief as the Court may deem just and equitable.

Dated this 5th day of October, 2017.

KOHNER, MANN & KAILAS, S.C.
Attorneys for Creditor

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